

1 Chief Judge Marsha J. Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,) NO. CR06-157MJP
11 Plaintiff,) GOVERNMENT'S MOTION FOR
12 v.) EXTENSION OF TIME FOR
13 HENRY ROSENAU,) MOTION RESPONSES
14 Defendant.) Noted: September 16, 2011
No oral argument requested

16 The United States of America, by and through Jenny A. Durkan, United States
17 Attorney for the Western District of Washington, and Susan M. Roe, Assistant United States
18 Attorney for said District, moves this Court for an extension of time within which the
19 government must respond to the defendant's four pretrial motions. The government asks for
20 an additional week, that is, until September 20, 2011, rather than September 13, 2011. The
21 trial is set for November 7, 2011.

22 The defendant filed four pretrial motions addressing a wide spectrum of issues,
23 ranging from atypical ones of pretrial seizures and statements made in Canada and
24 interpretation of the Rule of Speciality contained in the United States - Canada Treaty, to a
25 motion for a Bill of Particulars and the defendant's motion for leave to file additional pretrial
26 motions.

27 The government asks for an additional week in order to respond completely and with
28 adequate knowledge for several reasons. The undersigned has contacted the Office of

1 International Affairs, DOJ, for assistance in the interpretation of Rule of Speciality and in the
 2 analysis of the Canadian Court extradition decision, as these are matters within their purview
 3 and must be answered consistently on a national level. The OIA attorneys have
 4 acknowledged the request but are out of the office at an international border meeting this
 5 week. They have given the undersigned some good guidance and resources, however, the
 6 government requests time to have its response vetted by them prior to filing. They will return
 7 to their offices at the end of this week.

8 Although the government has conducted its legal research on the issues relating to
 9 "joint" and parallel investigations by U.S. and foreign governments, the government has not
 10 yet determined the accuracy of some of the facts alleged in the defendant's motion to
 11 suppress. This is because the undersigned was out of the office and, indeed, out of the
 12 country last week and only received the motions on Monday, September 12, 2011. The
 13 government has made inquiries of the law enforcement personnel, but has not received all
 14 responses yet. Some of the information involves Canadian law enforcement, which takes a
 15 little longer to acquire, and the government has not had sufficient time to prepare its factual
 16 response or to argue the facts in light of the applicable law.

17 As to the other two motions, the defense notes that discovery is voluminous and asks
 18 for additional time, additional discovery and a bill of particulars to assist his navigation
 19 through the discovery. The government has provided the requested photographs, believes it
 20 provided reports of Forest Service Special Agent Anne Minden but has requested a search of
 21 records in order to ensure full disclosure, and is determining if there are any Interagency or
 22 Joint Operating Agreements relating to this investigation. (See Motion to Continue Filing
 23 Deadline, page 7). The government will continue to provide what RCMP reports it has and
 24 will file a witness list in a timely fashion. Orally, the government generally has told the
 25 defense its likely witnesses.

26 The government notified defense counsel of this motion for additional time. Defense
 27 counsel indicated he has been unable to contact his client to learn whether the defendant
 28 objects.

The granting of this motion should not affect the trial date. Therefore the government moves this Court for a one week extension of time within which to file its responses.

DATED this 13th day of September, 2011.

Respectfully submitted,

JENNY A. DURKAN
United States Attorney

s/Susan M. Roe

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CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

/s/ Lissette Duran-Leutz
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